

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TOWNHOMES OF POHL CREEK
HOA,

Case No. 25-cv-2239 (LMP/DJF)

Plaintiff,

v.

**ORDER GRANTING
LEAVE TO AMEND**

STATE AUTO PROPERTY AND
CASUALTY INSURANCE
COMPANY,

Defendant.

Plaintiff Townhomes of Pohl Creek HOA (“Pohl Creek”) alleges that Defendant State Auto Property and Casualty Insurance Company (“State Auto”) is wrongfully withholding insurance payments and brings claims of breach of contract and unjust enrichment. *See generally* ECF No. 1-1. State Auto moved to dismiss on May 28, 2025, ECF No. 5, and Pohl Creek responded on June 18, 2025, ECF No. 14. A hearing on the motion is currently set for July 8, 2025. ECF No. 16.

Pohl Creek now moves to amend its complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), seeking to add a claim of promissory estoppel. ECF No. 17. State Auto opposes the motion. ECF No. 21. Under Rule 15(a)(2), leave to amend should be granted freely when “justice so requires” and where the court discerns no “compelling

reasons such as undue delay, bad faith, or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of the amendment.” *Moses.com Sec., Inc. v. Comprehensive Software Sys., Inc.*, 406 F.3d 1052, 1065 (8th Cir. 2005) (internal marks omitted). This is such a case.

In light of the early stage of the litigation—the complaint was removed and filed a little more than a month ago—the Court will grant Pohl Creek leave to amend. It also best serves judicial efficiency because amendment avoids the potential for duplicative briefing should State Auto file opposition to the motion to amend that would touch on whether Pohl Creek has sufficiently stated a claim of promissory estoppel. Those arguments are more appropriately combined with a renewed motion to dismiss Pohl Creek’s other claims, and the Court can hold one hearing to address all arguments.

Accordingly, based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Pohl Creek’s Motion to Amend (ECF No. 17) is **GRANTED**;
2. State Auto’s Motion to Dismiss (ECF No. 5) is **DISMISSED as moot**;
3. The hearing currently scheduled for July 8, 2025, is **CANCELLED**, to be rescheduled at a later date;
4. Pohl Creek should file and serve the amended complaint (ECF No. 18-7);
5. Pursuant to Federal Rule of Civil Procedure 15(a)(3), and in light of the July Fourth holiday weekend, State Auto shall have 21 days after service of the amended complaint within which to answer or otherwise respond; and

6. Subsequent briefing deadlines will be governed by the Local Rules for the District of Minnesota—L.R. 7.1(c) for dispositive motions.

Dated: July 1, 2025

s/Laura M. Provinzino
Laura M. Provinzino
United States District Judge